

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSERIC LAMPREY and  
RAYMOND STEWART

Plaintiffs

v.

State Trooper MARK BLANCHARD,  
Lieutenant detective  
JOHN J. MALONE  
Major RICHARD L. FRAELICK  
Methuen Police Detective  
MICHAEL PAPPALARDO,  
And the City of Methuen,

Defendants

Civil Action No.

01. 11712 RCL

RECEIPT # 34246  
 AMOUNT \$ 150.00  
 SUMMONS ISS. 7-5  
 LOCAL RULE 4.1  
 WAIVER OF [ ] V. [ ]  
 MCF ISSUED  
 AO 120 OR 121  
 BY DPTY CLK. [ ]  
 DATE 10-5-01

COMPLAINTIntroduction

1. This is an action for money damages for the violation of the Plaintiffs' constitutional rights brought pursuant to 42 U.S.C. s.1983 and 1988, as well as the Massachusetts civil rights statute: M.G.L. c.12 s.11(I). Defendant Mark Blanchard, while acting under color of law as an undercover State Police Officer, and in concert with Methuen Police officers, unlawfully pulled the Plaintiffs over without legal cause to stop them; illegally searched their car; and also conducted unconstitutional strip searches of their persons, all without probable cause or reasonable suspicion. Additionally Trooper Mark Blanchard and Methuen Police detective Michael Pappalardo illegally seized \$749 of Plaintiff Stewart's personal funds.

FILED  
 IN CLERK'S OFFICE  
 OCT 5 11 17 AM '01  
 US DISTRICT COURT  
 DISTRICT OF  
 MASSACHUSETTS

(1)

2. Detective Lieutenant Colonel John J. Malone, supervisor of Trooper Blanchard, and Major Richard L. Fraelick, in charge of the detective division of the Massachusetts Department of State Police, and the City of Methuen are each also liable for the actions of the Massachusetts State Police officers and Methuen Police officers respectively, because they maintain, endorse, approve or condone customs and policies which allow these officers to conduct unconstitutional searches and seizures.

**Jurisdiction**

3. Jurisdiction is based upon 28 U.S.C. s.1331 to adjudicate claims arising from federal law and on 28 U.S.C. s.1343 to adjudicate civil rights violations.

**Parties**

4. Plaintiff Raymond Stewart is a resident of the town of Londonderry and the State of New Hampshire.

5. Plaintiff Eric Lamprey is a resident of the town of Londonderry and the State of New Hampshire.

6. Defendant Trooper Mark Blanchard was at all times relevant to this complaint a duly appointed Massachusetts State Trooper, acting under color of law, and is sued in his individual capacity.

7. Defendant Detective Lieutenant John J. Malone was at all times relevant to the complaint a supervisor of Trooper Mark Blanchard at the Massachusetts Department of State Police, acting under color of law, and is sued in his individual capacity.

8. Major Richard L. Fraelick was at all times relative to the complaint a supervisor of the Detective Division of the Massachusetts Department of State Police, acting under color of law, and is sued in his individual capacity.

9. Detective Michael Pappalardo is a Methuen Police detective, acting under color of law, and is sued in his individual capacity.

10. The City of Methuen is a duly organized municipality within the Commonwealth of Massachusetts.

### **Facts**

11. On January 29, 2001 the Plaintiffs Eric Lamprey and Raymond Stewart were illegally searched by Defendant Mark Blanchard, attired in plainclothes, as they entered Lawrence District Court, when he asked them to empty their pockets without probable cause.

12. After being searched by Defendant Blanchard the Plaintiff Stewart was again asked to empty his pockets when he went through the metal detector by uniformed court officers when actually they went into the courthouse.

13. On January 31, 2001 the Plaintiffs Eric Lamprey and Raymond Stewart were driving in Methuen in Stewart's car.

14. The Plaintiffs saw a Methuen cruiser behind them turn on its blue overhead lights, and accordingly pulled over and stopped.

15. The police car pulled directly behind them. Another marked police car pulled diagonally in front of them to block their escaping.

16. Immediately a black Acura pulled up next to their car on the left side, behind the driver's side door.

17. Massachusetts State Police Trooper Mark Blanchard, in plain clothes, approached the passenger's side window with his hand resting on a holstered gun. Methuen Detective Pappalardo approached the driver's side. They ordered Stewart to put his hands on the steering wheel. Neither officer ever identified himself as a police officer.

18. Stewart was then ordered out of his car. Stewart had not been allowed to put the car into park or shut off the engine, and it began to move forward.

19. Defendant Blanchard yelled "put the car in park."

20. As Stewart reached into the car to put it into park, Pappalardo yelled for him to "Freeze!"

21. Defendant Blanchard said "He has to put it in park!"

22. Defendant Pappalardo grabbed Stewart by the back of his shirt and threw him against the trunk of the car.

23. Pappalardo turned Stewart's pockets inside out and asked if he had any sharp objects. Stewart said he did not.

24. Stewart was questioned about why he was in the area, and why he had stopped at Demoulas' Market.

25. Both Blanchard and Pappalardo were in plainclothes and never showed the Plaintiffs their badges or identified themselves as police officers.

26. Stewart told the officers that he had come to pick up his friend Dave.

27. Methuen Police Detective Michael Pappalardo took Stewart's wallet, which contained the proceeds from his H&R Block tax refund check, which Stewart had just cashed at the Salem, NH Sears. Detective Pappalardo stated: "He has a good chunk of change here."

28. Trooper Blanchard asked Stewart, "Why are you coming down here with a lot of money for?"

29. Stewart said he has just cashed his tax refund and was in the area to see a friend.

30. Trooper Blanchard accused Stewart of coming there to buy drugs.

31. A tow truck arrived. While someone began searching Stewart's car, Pappalardo and Blanchard asked "Where are the drugs?"

32. At no time did the Plaintiffs give police permission to search Stewart's car.

33. Plaintiff Stewart stated emphatically "There are no drugs. We didn't buy any drugs."

34. Defendant Pappalardo told Stewart he was confiscating all of Stewart's money (\$849), as the Commonwealth of Massachusetts could use it more than me.

35. Defendant Blanchard stated that if Stewart helped them out he would get his money back.

36. Plaintiff Eric Lamprey was taken into a Friendly's Restaurant, where he was strip-searched in the men's room.

37. Plaintiff Stewart was then ushered into the Friendly's where he also was strip searched in the men's room. He was forced to remove all of his clothing and spread his buttocks and bend over. He was then ordered to dress and escorted outside to the curb. His car had been already towed away.

38. Methuen Detective Pappalardo kept all but \$100 of his funds from cashing his tax return. Defendant Trooper Mark Blanchard wrote a phone number: 978-375-5823 and the name "Mark B" on a piece of paper, then returned a single \$100 bill and Stewart's wallet in Stewart's baseball cap, stating that if Stewart wanted the rest of his money back, Stewart could work out a deal. He was told that if he helped the police to set someone up, the rest of the money would be returned. They told Stewart that the money would not be returned if Stewart did not contract him by the following Monday.

39. Plaintiff Stewart was given no receipt, badge, number, name or business car.

40. As Stewart walked home, he looked through the materials Blanchard had given back to him. In his hat he found a speeding ticket issued for driving 55-mph in a 35-mph zone on Riverside Drive in Methuen at 13:40 hours. He had never been asked for his license and registration. He was not speeding when he was pulled over.

41. Plaintiff Stewart subsequently mailed in the speeding ticket, indicating he wished to contest the matter, and has subsequently never heard any response regarding it.

42. When Stewart recovered his car from the tow lot, after it had been seized for over 24 hours without him being able to recover it, the car had been dismantled and had been damaged in the process of searching for drugs. The glove box was broken; the console and boot around the emergency brake was broken; panels had been pulled off

from the interior of the car, and a previously unopened carton of cigarettes had been broken open and strewn around the car. Plaintiff Stewart had only recently purchased the car for \$1,000. There was never any estimate to repair the vehicle, and the damage likely equaled the majority of the car's value. Plaintiff Stewart subsequently sold it for \$300.

43. Stewart contracted Attorney John Bosk of Fitchburg on February 2, 2001, immediately after the incident.

44. Attorney Bosk called the number the individual had written on the piece of paper he handed to Stewart. The individual who answered refused to identify himself by name or badge number. Bosk identified himself as an attorney and spelled his name for him, asking him to call him back after he confirmed his status as an attorney. His call was never returned.

45. Attorney Stephen Hrones also called Defendant Blanchard, at the phone number indicated on the note, on February 8, 2001, and the money was returned, along with a receipt, which Plaintiff Stewart had not been given at the time the money was seized, on February 12, 2001.

46. As a result of the defendants' actions the Plaintiffs suffered great mental pain and suffering and humiliation. Raymond Stewart also sustained damages associated with police destroying the interior of his car, a full carton of cigarettes, the cost for towing and storage of the car, and being deprived of its use for over 24 hours. He was left with no ride out of Methuen to return home to New Hampshire.

**CAUSES OF ACTION**

**Count I: Violation of 42 U.S.C. §1983 by Officers  
Mark Blanchard and Michael Pappalardo**

47. The Plaintiffs restate the allegations contained in paragraphs 1 to 40 and incorporates them herein.

48. The defendants' described conduct: illegally stopping the Plaintiffs; searching their persons without probable cause; strip searching them and seizing Stewart's property violated their constitutional rights as defined in the Fourth and Fourteenth Amendments to the U.S. Constitution.

**COUNT TWO: Violation of 42 U.S.C. §1983 by Defendant  
Detective Lieutenant John J. Malone**

49. The Plaintiffs restate paragraphs 1 to 42 and incorporates them herein.

50. Detective Lieutenant John J. Malone is Trooper Blanchard's supervisor at the Massachusetts State Police Essex County Detective Unit. He directs the policies and procedures that encourage and endorse troopers to conduct searches and seizures that violate the constitutional rights of citizens through conducting searches as described in this complaint.

**COUNT THREE: Violation of 42 U.S.C. §1983 by Defendant  
Major Richard L. Fraelick**

51. The Plaintiffs restate paragraphs 1 to 44 and incorporates them herein.

52. Major Richard L. Fraelick is in charge of the Massachusetts State Police Detectives Unit and directs the policies and procedures that endorse and encourage detectives of the Massachusetts State Police detectives to conduct searches and seizures in violation of the U.S. Constitution.



**COUNT FOUR: Violation of 42 U.S.C. §1983 by Defendant  
City of Methuen**

53. The Plaintiffs restate paragraphs 1 to 46 and incorporate them herein.

54. The Defendant City of Methuen has a custom and policy of deliberate indifference to the rights of citizens by not adequately training and supervising its police officers on proper search and seizure and arrest procedures.

55. The City of Methuen has a custom and policy of deliberate indifference to the rights of its citizens by not adequately investigating citizen's complaints against the City's police officers, nor taking prompt disciplinary action against officers who violate the rights of citizens.

56. The City of Methuen has a custom and policy of deliberate indifference to the rights of its citizens by not adequately supervising officers who are prone to conducting illegal searches and seizures and arresting individuals without probable cause.

**COUNT FIVE: Violation of M.G.L. c.12 §11(I) by all Defendants**

57. The Plaintiffs restate the allegations contained in paragraphs 1 to 50 above and incorporate them herein.

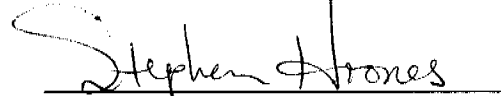
58. The Defendants violated the Plaintiff's Massachusetts Bill of Rights and U.S. Constitutional rights by force, violence and intimidation.

**Wherefore,** the Plaintiff requests this Honorable Court award:

- a. Compensatory damages against the defendants jointly and severally;
- b. Punitive damages against all defendants;
- c. The costs of this action, including reasonable attorneys fees; and
- d. Award such other and further relief, as this Court may deem necessary and appropriate.

A JURY TRIAL IS HEREBY DEMANDED.

Respectfully submitted  
Eric Lamprey  
Raymond Stewart  
By their Attorney,

A handwritten signature in cursive script, reading "Stephen B. Hrones", written over a horizontal line.

Stephen B. Hrones  
BBO#242860  
Hrones & Garrity  
Lewis Wharf-Bay 232  
Boston, MA 02110-3927  
(617) 227-4019

Dated: October <sup>5</sup>/<sub>4</sub>, 2001

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Eric Lamprey and Raymond Stewart

DEFENDANTS.

State Trooper Mark Blanchard,  
Lieutenant Detective John J. Malone,  
Major Richard L. Fraeclick, Methuen  
Police Detective Michael Pappalardo and  
the City of Methuen

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF ROCKINGHAM  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT ESSEX  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, SET THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

The plaintiffs file a complaint pursuant to 42 U.S.C. Section 1983 alleging that the defendants conducted an illegal strip search while in their custody.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R R & Truck <input type="checkbox"/> 650 Airline Bags <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

Check YES only if demanded in complaint:  
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 9/19/2001

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Eric Lamprey and Raymond Stewart  
v. State Trooper Mark Blanchard, Lt. Det. John J. Malone, et al
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

**01. 11712 RCL**

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- X   II. 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730,  
740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,  
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,  
380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,  
690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

**FILED**  
**IN CLERK'S OFFICE**  
**OCT 5 11 17 AM '01**  
**US DISTRICT COURT**  
**DISTRICT OF**  
**MASSACHUSETTS**

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).  
None
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?  
No
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? No  
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403)
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? No
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES        OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? - (SEE LOCAL RULE 40.1(D)). YES
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES        (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE?
9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE?
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION        OR WESTERN SECTION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Stephen B. Hrones

ADDRESS Lewis Wharf-Bay 232, Boston, MA 02110-3927

TELEPHONE NO. (617) 227-4019

(Category.frm - 09/92)